

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT

ON

5/28/2010

Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

United States of America)

v.)

Clarence Douglas Coakley)

Case No: 4:96-CR-26-1BO

USM No: 16434-056

Date of Previous Judgment: December 9, 1996)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney Pro Se

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the _____ defendant _____ under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

DEFENDANT:
CASE NUMBER:

III. ADDITIONAL COMMENTS

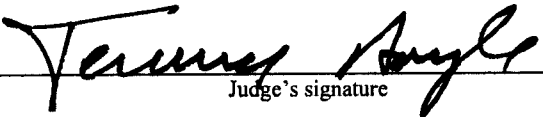
The defendant was subject to a mandatory minimum term of imprisonment, which was not mitigated by application of 18 U.S.C. § 3553(f) or 5C1.2 (Safety Valve). Therefore, while the amendment is applicable to the defendant, it does not have the effect of lowering the defendant's guideline range because the low end of the revised range is the mandatory minimum sentence. Therefore, for the court's information, it is noted that were it not for the statutory impact in this case the revised guideline range would be 360 months to life.

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 5-28-10

Effective Date: _____
(if different from order date)



Judge's signature

Terrence W. Boyle, U.S. District Judge

Printed name and title